IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24121 of 2004

Between:

Smt. M. Andhra Jyothi W/o M.V. Chelam
R/o 23-206 Ashoknagar, Ramachandrapuram, Hyderabad.

..... PETITIONER

AND

1 The Prudential Co.op Bank Ltd., Sairam Towers, Alexander

Road, Secunderabad, Rep. by Official Liquidator or

authorised Officer.
2 The X Metropolitan Magistrate City Criminal Courts at

Secunderabad.
3 The XI Metropolitan Magistrate City Criminal Courts at

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction one or more in the nature of Writ of Mandamus by quashing the proceedings in Criminal Cases viz CC No. 747 of 2004 on the file of the Hon'ble Metropolitan Magistrate and CC No. 385 of 2003 on the file of XI Metropolitan Magistrate, Secunderabad and pass such other and further orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner: SMT.K.ANNAPURNA REDDY

Counsel for the Respondent No.1: MR.S.ASHOK ANAND KUMAR

The Court at the admission stage made the following :

ORDER:

The petitioner seeks the relief of quashing the proceedings in Criminal Cases viz., C.C.No.747 of 2004 on the file of X Metropolitan Magistrate, Secunderabad and C.C.No.385 of 2003 on the file of XI Metropolitan Magistrate, Secunderabad.

The petitioner states that the complaints are filed in relation to claims, which are already subject matter of proceedings under various enactments. Reference is also made to several proceedings, such as those before the Cooperative Tribunal as well as this Court in writ petition No.11531 of 2004. It is ultimately stated that the dispute between the petitioner on the one hand and the 1st respondent on the other cannot constitute the subject matter of a complaint.

Heard learned counsel for the petitioner and learned counsel for the first respondent.

From a perusal of the complaints referred to above, it is evident that they were presented to the respective Courts under Section 200 Code of Criminal Procedure (for short 'Cr.P.C'). One of the modes of taking cognizance of offences by a Magistrate is on the complaint submitted to it by the complainant. On receiving such complaints, the Court can either take cognizance straight away or require investigation by police or undertake further enquiry by itself. If the petitioner is of the view that the complaints received by the Magistrate concerned is hit by any provision of law or not maintainable for any reason, it shall always be open to her to bring the same to the notice of the said Court. It is only when her effort to convince the concerned Court fails, then she can prosecute the remedy in the High Court either under Section 482 Cr.P.C or under Article 226 of the Constitution of India.

Hence, this Writ Petition is disposed of, leaving it open to the petitioner to point out her grievance before the respective Magistrates, before whom the complaints are said to have been filed. As and when such complaints are made by the petitioner, they shall be dealt with, in accordance with law without any delay. There shall be no order as to costs.

_____

23.12.2004

Jsu

To

1 The Official Liquidator/ Authorised Officer. Prudential Co.op Bank Ltd., Sairam Towers, Alexander, Road, Secunderabad,
2 The X Metropolitan Magistrate City Criminal Courts at

Secunderabad.
3 The XI Metropolitan Magistrate City Criminal Courts at

Secunderabad.

4 2CD copies.